

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, October 20, 2022

Meeting Minutes

Approved November 3, 2022

Present: Larry Schubert, Julius Lowe, Deborah Wells, Casey Decker

Absent: Andy Zaikis, Jeffrey Kaye

Also Present: Kim Leaird (*Board Administrator*), Tim Greene, Geoffrey Freeman, Cody Coutinho, Brendan Crane, Dave Schweizer, Sarah Schweizer, Bryan Collins, Jack Arruda, Jeff Guilherue, George Benway, George Sourati

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5:00 pm – The meeting minutes of October 6 and October 13, 2022 were approved.

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5:15 pm – (*Continued from August 25 and October 6, 2022*): A public hearing on an Application for a Special Permit from **Terra Search for Crown Castle and T-Mobile/Sprint** to amend Special Permit #2020-10 granted on April 9, 2020, to allow the replacement of six antennas and the addition of three antennas; the replacement of six remote radio heads and the removal of six remote radio heads; the replacement of two cables and the removal of two cables; and the addition of associated antenna equipment, new fiber conduits and the removal of obsolete equipment under sections 8.8-1, 3.1-1 and 9.3-3 of the Zoning Bylaws **Map 28 Lot 1.25, 0 Airport (Rear)**, LI2 District.

Larry read the hearing notice. Tim Greene from Terra Search presented the application. T-Mobile Sprint is the tenant on the tower, which is an existing 61 ft. monopole. The applicant is looking to upgrade the equipment and technology on the tower. It will not increase in height. It is located behind the health club and commercial buildings to the left of the airport. There will be three arrays on the tower but once the new equipment is placed, array #2 will be removed as per the town's bylaws since any unused equipment needs to come down. The other [third] array is Verizon.

The town referred the applicant to the Martha's Vineyard Commission (MVC) for a Concurrence Review but the MVC did not concur and remanded it back to the town for local permitting on September 20, 2022. The Planning Board did not have comment.

A motion was made and seconded to close the hearing and open the board meeting.
There were no additional comments.

It was moved and seconded to Approve the Special Permit.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.
L. Schubert-yes, J. Lowe-yes, D. Wells-yes, C. Decker-yes

Larry went over the 20-day appeal period and reminded applicant that once that expires, the decision must be recorded by applicant and a receipt brought back to the Building Inspector.

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5:35 pm – A public hearing on an Application from **Brendan Crane and Anna Apse**, to construct a 600 sq. ft. garage with a 322 sq. ft. studio above on a pre-existing non-conforming lot under Sections 11.1-3A and 11.1-5 of the Zoning Bylaws, at **154 Longview Rd., Map 7, Lot 150.6**.

Larry read the hearing notice. Brendan Crane and Cody Coutinho from VLS&E presented the project. There was a house on the property but it was torn down because it was unsafe. They will have Site Plan Review with the Planning Board as the proposed new house is over 3,000 sq. ft. (at 3,090 sq. ft.). The setbacks are 59' for the proposed house and 57' ft for the garage. It is a pre-existing, undersized 1.41 acre lot. The proposed house will be roughly in the same footprint.

Due to an administrative error, the hearing was not noticed to include the house in the special permit -- only the garage and studio. Discussion followed about whether or not noticing it [correctly] under "**11.1-5 Damage or Destruction**" was enough to consider the special permit on the house. It states:

"A non-conforming structure or use that is damaged or destroyed by fire, hurricane or other catastrophe may be restored or rebuilt, provided that the building or restoration is completed within three years of the damage and that the structure or use is no larger or more extensive than the original structure or use."

The old house was a large, two-story colonial according to meeting attendee David Schweizer. Pre-approved plans were done after the house was torn down via a demolition permit.

Mr. Crane said he had wanted to increase the square footage of the garage studio to a 600sf affordable accessory structure instead of the application he submitted.

The board determined that they could not look at granting a special permit for the house without it being properly noticed as such. Discussion followed about whether the board should review the garage and studio tonight necessitating applicant's return at a future date to modify it for an affordable apartment, or if instead applicant should withdraw his application and re-apply with the affordable accessory structure and house.

Applicant requested that he be allowed to withdraw without prejudice.

A motion was made and seconded to approve the request to withdraw the application without prejudice. A motion was also made and seconded to waive the \$200 application fee when Mr. Crane returns.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, C. Decker-yes.

The re-application was tentatively scheduled for December 1st.

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5:55 pm – A public hearing on an Application for a Special Permit from **Lobster Coop**, to construct a 20'x40' inground swimming pool and a 395 sq. ft. detached bedroom in the Coastal District under Sections 8.5-4C and 6.1-5B of the Zoning Bylaws, at **98 Watcha Club Rd., Map 43, Lot 1.2**.

Larry read the hearing notice and opened the hearing at 6:05pm. Representing the applicant was Cody Coutinho from Vineyard Land Surveying & Engineering (VLS&E). The project is in the Inland Zone of the Coastal District. The detached bedroom is in the garage. The house is currently being built. They have already been to Conservation Commission.

VLS&E submitted a revised plan yesterday with slightly smaller square footage dimensions for the pool (750 sq. ft. vs. 800 sq. ft.). The new pool is more narrow and smaller than advertised. The board asked about the fence location and if alarms are on the doors. The pool fence goes to the garage with detached bedroom and continues on other side of it. There is a door from the detached bedroom out to the pool.

Deborah asked about the type of fencing planned and was told black mesh pipe and it will be compliant. If enclosed by a fence, a sound insulated enclosure could be an open top for the heat pump.

The Planning Board referred it back to the ZBA without comment. There was no other correspondence.

A motion was made and seconded to close the hearing and open the board meeting.
There were no additional comments.

It was moved and seconded to Approve the Special Permit. Larry went over the pool conditions that are part of every pool permit.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.
L. Schubert-yes, J. Lowe-yes, D. Wells-yes, C. Decker-yes

Larry went over the 20-day appeal period and reminded applicant that once that expires, the decision must be recorded by applicant and a receipt brought back to the Building Inspector.

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6:15 pm – A public hearing on an Application for a Special Permit from **Vineyard Wind 1 LLC**, to demolish an existing hangar and construct a new hangar with associated utilities to include space for a helicopter, storage area and office space under Sections 3.1-1, 14.2 and 11.1-3A of the Zoning Bylaws, at **17 Hangar Rd. North, Map 28, Lot 1.5** in the LI 2 district.

Larry read the hearing notice. George Sourati presented the application and several representatives of Vineyard Wind were in attendance as well as Airport manager Geoffrey Freeman. The current area being leased is 22,445 sq. ft. The existing hangar is 8,058 sq. ft. and the new hangar will be slightly larger at 9,014 sq. ft. The elevation will be about four feet higher with a 27'3" ft elevation.

Dukes County Airport leases the property to Vineyard Wind 1 LLC. The Martha's Vineyard Airport Commission referred the application to the Martha's Vineyard Commission (MVC) as a Development of Regional Impact (DRI). The MVC held public hearings and issued its decision, *DRI 725-Vineyard Wind Hangar*, on September 1, 2022. The facility is intended to serve and support the 30-year operational life of the Vineyard Wind development, about 23 miles south of the island.

The new hangar will house primarily a helicopter, with 4,830 sq. ft. of internal space; 1,275 ft of office space; and 1,560 sq. ft. of storage space. There will also be three bathrooms, one shower and one utility room. These dimensions exclude the outside storage space. They are trying to stay close to the existing footprint. In addition, there will be 18 parking spaces behind the hangar: one will be ADA accessible. The parking lot will be fenced in and gated. George presented the floor plan of the hangar with a series of small offices, staff areas, a conference room and storage areas. It will not be open to the public, it is only for Vineyard Wind employees.

It is a steel building and not in the industrial park, so there is no requirement to shingle the sides, the airport is fine with it. There is a drainage system designed.

There was a letter from the Planning Board referring the application back to the board without comment. There was no other correspondence.

Larry read the conditions as stated in DRI Decision 725 and said that it will be incorporated into the ZBA's written decision. A final landscape plan should also be submitted to the board when submitting to the MVC.

A motion was made and seconded to close the hearing and open the board meeting.
There were no additional comments.

It was moved and seconded to Approve the Special Permit.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, C. Decker-yes

Larry went over the 20-day appeal period and reminded applicant that once that expires, the decision must be recorded by applicant and a receipt brought back to the Building Inspector.

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Informal Hearing

- John Hoff **re: Horowitz** pool permit #2022-15 at 50 Lookout Hill Rd., Map 12 Lot 41.1 in the RU district to see if moving fence is a de minimis change. John Hoff presented proposed changes to the location and setbacks of the pool special permit granted to Beth Horowitz and Michael Kazin at 50 Lookout Hill Rd. (Map 12, Lot 41.1) and the board determined they were NOT de minimis changes. If homeowners want to move forward with these changes, they will need to submit an application to amend the special permit.

Other Topics Not Reasonably Anticipated

- The Vineyard Preservation Trust appealed the ZBA's August 4 decision at the end of the day on October 13 (the last day of the 20-day appeal period). No individual board member has yet been served. General discussion about how this process might proceed followed. As soon as board members are served, they should let Kim know. The appeal is now a public record.

The Meeting adjourned at 7:00 pm.

Respectfully submitted,
Kim Leaird, Board Administrator